

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
The Use of N11 Codes and Other)	CC Docket No. 92-105
Abbreviated Dialing Arrangements)	

COMMENTS OF THE CITY OF NEW YORK

The City of New York (“City”) respectfully submits these comments in the above captioned Notice of Proposed Rulemaking (“Notice”) on alternative abbreviated dialing arrangements to be used by “One Call” notification systems to comply with the Pipeline Safety Improvement Act of 2002 (“Pipeline Safety Act”).¹ Among other things, the Pipeline Safety Act requires the U.S. Department of Transportation (“DOT”), in consultation with the Federal Communications Commission (“Commission”) to “provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.”²

The City endorses DOT’s request to have the digits “344” (corresponding to the word “DIG” on the telephone keypad), or another three-digit mnemonic, be assigned as the abbreviated dialing arrangement for this purpose.³ While the City appreciates that there

¹ Pipeline Safety Improvement Act of 2002, Pub. L. No. 107-355, § 17, 116 Stat. 2985, 3008 (2002) (“Pipeline Safety Act”).

² *Id.* at § 17.

³ See *Petition for Rulemaking of the United States Department of Transportation for the Allocation of a Three-Digit Telephone Number to Access Excavation Damage Prevention (One Call) Services Nationwide*,

are certain shortcomings associated with this approach,⁴ this solution appears to the City to be the least disruptive option as compared to the other alternatives set forth in Notice – namely, either assigning the 811 code or “incorporat[ing] the One Call access service with existing N11 codes, such as 311 or 511.”⁵

At the outset, it should be noted that the City strongly supports the Pipeline Safety Act’s objective of strengthening the Federal government’s support for the One Call program. Even seemingly “limited” interference to the City’s dense concentration of underground conduits, power lines, telecommunications and cable television facilities, water and sewer systems or other infrastructure resulting from excavation projects could result in a widespread disruption of vital utility services to the great detriment of public safety, security and the environment. Furthermore, as noted by DOT, “such damage imposes substantial costs across the economy well beyond the direct cost of repair to the affected facilities.”⁶

At the same time, the City cannot support either utilization the 811 abbreviated dialing code for One Call services, as proposed by the North American Numbering Council (“NANC”)⁷, or incorporation such services into an existing N11 code. As described in the

CC Docket No 92-105, Petition for Rulemaking of the United States Department of Transportation at 2, 15 (filed Aug. 28, 2003) (“DOT Petition”).

⁴ These include the Commissions concern that an abbreviated dialing code in the format of an Easily Recognizable Code or a potential area code, such as 344, “would be inconsistent with our resource optimization policies by potentially rendering eight million NANP [North American Numbering Plan] numbers unusable.” See Notice at ¶18. The North American Numbering Council raises several additional concerns. *Id.* at ¶19.

⁵ *Id.* at ¶10.

⁶ DOT Petition at 2.

⁷ See Letter to William Maher, Chief, Wireline Competition Bureau, from Robert C. Atkinson, Chair, North American Numbering Council, dated December 4, 2003 (“NANC Recommendation”) (adopting the Report

Notice, the Commission has already assigned the 211 code for information and referral services, the 311 code for non-emergency police and other governmental services, the 511 code for travel and information services, the 711 for telephone relay services for the hearing impaired and the 911 code as the national emergency number.⁸ (Moreover, while the 411 code has not been assigned by the Commission for nationwide use, its ubiquitous utilization by carriers for local directory assistance certainly appears to make it unavailable for any other purpose.) The City is concerned that assignment by the Commission of yet another N11 code would contribute to increased public confusion about the services that are associated with each and every code. Such confusion would undermine the N11 codes' primary value of being easy to remember and easy to use by the public.

The City of New York has itself devoted considerable resources to implementing and publicizing its 311 program to provide the public with centralized access to virtually all municipal government information and services.⁹ Since March 2003, when the City activated its 311 service, nearly 10 million calls have been received by the City's 311 call center, with the average weekday call volume approximating 35,000 calls. The City's 311

and Recommendation of the Abbreviated Dialing for One Call Notification Issue Management Group, dated October 29, 2003 ("DIG IMG Report")).

⁸ See *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 5572 (1997) (assigned 311); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Second Report and Order, 15 FCC Rcd 15188 (2000) (assigned 711); *N11 Third Report and Order*, 15 FCC Rcd at 16753 (assigned 211 and 511); *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Fourth Report and Order and Third Notice of Proposed Rulemaking, 15 FCC Rcd 17079 (2000) (assigned 911).

⁹ The City's 311 service allows the residents, visitors and businesses to call one easy-to-remember number in order to receive information and access to city government services. Call takers answer questions, take service requests and refer callers to government agencies. All calls to 311 are answered by a live operator, 24 hours a day, seven days a week. Immediate access to language translation services in over 170 languages is available. Moreover, each police precinct in the City has been equipped with computer terminal dedicated to the 311 application, so that the police can appropriately respond to quality of life complaints. See "311 Fact Sheet" at <http://www.nyc.gov/html/311/html/factsheet.html>.

program has not only significantly alleviated stress on 911 circuits and emergency call takers, as envisioned by the Commission¹⁰, but it has also made municipal government far more accessible and responsive to the public.¹¹ The extraordinarily high level of utilization of the City's 311 program is in large measure due to an aggressive public awareness campaign – with a straightforward and unambiguous message: “Dial 311 for Non-Emergency Services; Dial 911 for Emergencies.”

The City is concerned that this message could become diluted with the proliferation and increasing activation of various other N11 codes. Indeed, rather than designating yet another N11 code, the Commission might eventually consider integrating into existing 311 programs the functions served by certain other N11 codes (and then deactivating those other codes). However, the City does not support incorporating One Call excavation notification services into 311 programs. The Notice does not specifically propose how such incorporation would work, other than to request comment on whether the Commission (i) “should incorporate the One Call access service with existing N11 codes, such as 311 or 511,” or (ii) “assign 311, which is currently assigned for non-emergency police and other governmental services, for access to One Call Centers.”¹² This seems, however, to suggest that 311 programs would either assume responsibility for providing One Call access services themselves or, in some manner, “share” the 311 code with the providers of such services.

¹⁰ See *N11 First Report and Order and FNPRM*, ¶ 36.

¹¹ The 311 system was also a vital source of information for New Yorkers during the blackout of August 2003. It has also improved government operations and accountability. The City compiles and breaks down into useful categories monthly reports on service inquiries, which are used as an operational tool and posted on the City's Web site. See monthly 311 “Volumes and Performance Levels” and “Most Frequent Inquiries” at <http://www.nyc.gov/html/ops/html/311/311.shtml>.

¹² See Notice at ¶10.

In New York City, it certainly would be counterproductive for the existing 311 program to assume responsibility for One Call notification services. To the City's knowledge, these services are being performed quite ably by NYC & LI Call/Dig Safely, Inc. The City does not believe that, simply to fulfill its mandate of assigning a three-digit number to One Call notification systems, the Commission anticipates the dissolution of such systems and their "takeover" by 311 programs. This would, of course, run counter to the very objectives of the Pipeline Safety Act and impose significant new burdens on 311 programs. Nor does the City believe that sharing the 311 number would serve the interests of either One Call notification system users or the public. Along these lines, the Commission may have in mind a forwarding of excavation-related calls by 311 call centers to existing providers of One Call notification services. While this might be feasible from a technical standpoint, what would be the advantages of such an arrangement? On the one hand, 311 call centers could experience a substantially higher call volume, at increased taxpayer expense and slower response time to the public, while excavators would now have to be routed through 311 call centers whose personnel, software and so forth have geared to provide municipal information and services. Moreover, such "sharing" assumes a geographic overlap, which does not exist in most cases, between municipal 311 programs and existing One Call notification services. Finally, there appears to the City to be a fundamental incompatibility between 311-related services, which receive calls from the general public, and One Call notification services, which receive calls mainly from commercial interests.

For the reasons stated above, the City of New York opposes assignment of 811 or utilization of 311 for One-Call notification systems. Again, the City recognizes that there may be no ideal “solution” to providing a three-digit number to such systems, as is required by the Pipeline Safety Act. However, absent a Congressional amendment to enable utilization of a ten-digit number, as proposed by NANC¹³, assignment of the 344 (“DIG”) code is certainly the least adverse option from the City’s standpoint.¹⁴ Additionally, the City is hopeful that, as argued by DOT, assignment of “DIG” as the code for this purpose would best serve to remind excavators of the need to use One Call services.¹⁵

Respectfully submitted,

THE CITY OF NEW YORK

/s/_____

Agostino Cangemi,
Deputy Commissioner and General Counsel

**New York City Department of Information Technology
and Telecommunications (DoITT)
75 Park Place, 9th Floor
New York, NY 11201
(212) 788-6600**

¹³ See NANC Recommendation at 2.

¹⁴ The City does not take a position on whether this code should be implemented with a leading star (*344) or number (#344) sign. See Notice at ¶¶11-16.

¹⁵ See DOT Petition at 12-13.